

## EXHIBIT 5



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October 16, 2015

**VIA ELECTRONIC MAIL**

Robert T. Haefele, Esq.  
Motley Rice LLC  
28 Bridgeside Boulevard  
Mt. Pleasant, SC 29464

Dear Robert:

We write in response to your letter dated September 25, 2015.

First, you note that we “have seemingly implied some impropriety that the documents were produced in discovery.” With respect, we have implied nothing; we are quite able to make clear when we are of the view that there has been an impropriety. Here, the issue is that you produced documents, presumably because they are relevant and you would seek to rely on them in the case, which are central to your claims in the action and which appear to be documents which are neither authentic nor genuine. In these circumstances, we have an obligation to get to the bottom of how those documents were generated and came into your possession, as it speaks to the integrity of the entire truth-finding process. We presume that you have no intention to rely on forged documents and that you too would want to get to the bottom of the facts surrounding these documents.

You requested that we “explain in detail what [our] concerns are . . . and provide concrete examples of each concern” to allow Plaintiffs to “make a hard inquiry” into the issue of whether there is “concern to be had about the provenance of the documents before they are offered substantively at trial.” As an initial matter, we note our grave concern that, despite our numerous good faith efforts to provide you with sufficient information to identify the numerous errors and irregularities with the documents that militate against their purported authenticity, you have failed to make any meaningful effort to investigate the issues raised, aside from simply asking your undisclosed “source” whether the documents are legitimate. We also find the repeated requests for us to provide Plaintiffs with a tally of the exact infirmities particularly troubling, in light of the strong indicia demonstrating that these documents have been forged coupled with the fact that your “source” does not want to be identified (claiming safety concerns). To be candid, we are concerned that the requested list could provide to your “source” a roadmap for the fabrication of additional documents without the noted infirmities that will be harder to detect as forgeries. Accordingly, we will provide this information in a confidential attachment on your representation as an officer of the court that you will not convey that information to your “source” until this issue is resolved. Upon receiving that representation we will provide further information for lawyers’ eyes only. That attachment has been prepared and can be submitted

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when we receive your representation. It is a non-exhaustive list of some of the most glaring examples of our concerns, supported by specific evidence.

In order to prevent unnecessary delay, we request that Plaintiffs respond to this request no later than one week from the date of this letter. We have been engaged in this dialogue without apparent activity by Plaintiffs for some months. If no response is received within one week and Plaintiffs opt to not receive the confidential attachment, please be advised that we intend to bring this issue to the Court's attention.

Finally, we note that your letter makes a number of unfounded assertions about our clients' document collection efforts and representations purportedly made during the course of discovery by either our firm or our predecessor counsel. While it is not necessary for us to address your assertions point-by-point herein, we note simply that these statements appear to be intended to deflect attention from the very serious forgery issue that has emerged, that we take issue with your statements and we reserve the right to address those points at the appropriate time.

Best regards,



Aisha E. Bemby

cc: Sean Carter, Esq.  
Scott Tarbutton, Esq.  
James Kreindler, Esq.  
Andrew Maloney, Esq.  
Jerry Goldman, Esq.